



FINAL ORDER
EFFECTIVE
01-13-17

**DEPARTMENT OF INSURANCE, FINANCIAL
INSTITUTIONS AND PROFESSIONAL REGISTRATION**

P.O. Box 690, Jefferson City, Mo. 65102-0690

In the Matter of:)
)
JON CURTIS RIMERT,) **Case No. 160421251C**
)
Applicant.)

CONSENT ORDER

John M. Huff, Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration, takes up the above matter for consideration and disposition. The Consumer Affairs Division, through counsel Shelly Krueger, and Jon Curtis Rimert have reached a settlement in this matter and consent to the issuance of this Consent Order.

1. John M. Huff is the duly appointed Director of the Missouri Department of Insurance, Financial Institutions and Professional Registration (“Director” of the “Department”) whose duties, pursuant to Chapters 374, 375, and 385 RSMo,¹ include the

¹ All statutory references are to the 2013 Supplement to the Revised Statutes of Missouri (2000) unless otherwise noted.

supervision, regulation, and discipline of motor vehicle extended service contract producer licenses.

2. The Consumer Affairs Division (“Division”) of the Department has the duty, charged by the insurance laws of this state, to conduct investigations into the acts of motor vehicle extended service contract producer licensees and is authorized by the Director to initiate actions necessary to enforce the insurance laws of this state, including the refusal of motor vehicle extended service contract producer license applications.

3. On or about January 25, 2016, the Department received Jon Curtis Rimert’s (“Rimert”) completed Application for Motor Vehicle Extended Contract Producer License (“Application”).

4. Background Question No. 1 of the Application asks, in relevant part, “Have you ever been convicted of a crime, had a judgment withheld or deferred, received a suspended imposition of sentence (“SIS”) or a suspended execution of sentence (“SES”), or are you currently charged with committing a crime?”

5. Rimert answered “Yes” to Background Question No. 1.

6. On April 28, 2015, Rimert pled guilty to DWI – Alcohol – Persistent Offender, a Class D Felony, in violation of § 577.010.² *State v. Jon Curtis Rimert*, St. Charles Co. Cir. Ct., Case No. 1511-CR00502-01. The court suspended execution of a three (3) year sentence of incarceration and placed Rimert on five (5) years’ supervised probation. *Id.*

² All references to criminal statutes are pursuant to the Missouri Revised Statutes pursuant to which the court rendered judgment.

7. The underlying guilty pleas which form the basis for Rimert's Class D Felony charge for DWI – Alcohol – Persistent offender are as follows:

- a. On May 25, 2010, Rimert pled guilty to DWI, a Class A Misdemeanor, in violation of § 577.010. *State v. Jon C. Rimert*, St. Charles Co. Cir. Ct., Case No. 0911-CR06125. The court sentenced Rimert to thirty (30) days' incarceration and granted work release. *Id.*
- b. On June 17, 2009, Rimert pled guilty to DWI, in violation of O'Fallon, Missouri Municipal Code § 342.020.³ *City of O'Fallon v. Jon C. Rimert*, St. Charles Co. Cir. Ct., Summons No. 061972450. The court suspended imposition of sentence and placed Rimert on two (2) years' supervised probation. *Id.*

8. Rimert's current probation is scheduled to be completed on April 28, 2020, or at an earlier date if Rimert qualifies for early release.

9. Rimert acknowledges and understands that the Director may refuse to issue a motor vehicle extended service contract producer license to Rimert pursuant to § 385.209.1(5) because Rimert has been convicted of a felony. *State v. Jon Curtis Rimert*, St. Charles Co. Cir. Ct., Case No. 1511-CR00502-01.

10. Rimert further acknowledges and understands that should he fail to complete or fail to comply with the terms of his probation in case number 1511-

³ All references to the O'Fallon Missouri Municipal Code are to those sections pursuant to which the court rendered judgment.

CR00502-01, the Director may discipline or refuse to renew Rimert's motor vehicle extended service contract producer license pursuant to § 385.209.1(5).

11. Rimert acknowledges and understands that he has the right to consult legal counsel at his own expense.

12. Rimert stipulates and agrees to waive any waivable rights to a hearing before the Administrative Hearing Commission or the Director, any waivable rights to seek judicial review, and any waivable rights to challenge or contest the terms and conditions of this Consent Order. Rimert further stipulates and agrees to forever release and hold harmless the Department, the Director and his agents, and the Division from all liability and claims arising out of, pertaining to, or relating to this matter.

13. Rimert acknowledges and understands that this Consent Order is an administrative action and that the Department will report it to other states. Rimert further acknowledges and understands that this administrative action should be disclosed on his future applications and renewal applications and that he is responsible for complying with the reporting requirements of each state in which he may be licensed.

14. Each signatory to this Consent Order certifies by signing that he or she is fully authorized, in his or her own capacity or by the named party he or she represents, to accept the terms and provisions of this Consent Order in their entirety and agrees, in his or her personal or representational capacity, to be bound by the terms of this Consent Order.

CONCLUSIONS OF LAW

15. Section 385.209.1 provides, in relevant part:

The director may suspend, revoke, refuse to issue, or refuse to renew a registration or license under sections 385.200 to 385.220 for any of the following causes, if the applicant or licensee or the applicant's or licensee's subsidiaries or affiliated entities acting on behalf of the applicant or licensee in connection with the applicant's or licensee's motor vehicle extended service contract program has:

* * *

- (5) Been convicted of any felony[.]

16. The facts admitted by Rimert are grounds to refuse his Application for Motor Vehicle Extended Service Contract Producer License pursuant to § 385.209.1(5).

17. The Director may impose consent orders in the public interest under § 374.046.

18. The terms set forth in this Consent Order are an appropriate disposition of this matter, and entry of this Consent Order is in the public interest.

ORDER

IT IS ORDERED that the Department will issue a motor vehicle extended service contract producer license to Jon Curtis Rimert subject to the terms set forth herein and the following special conditions:

1. Jon Curtis Rimert shall respond to all inquiries and consumer complaints forwarded or otherwise communicated to him by the Department or a consumer within five (5) business days of receipt. If Rimert receives a complaint directly from a consumer, whether written or oral, Rimert shall

report the complaint in writing to the Consumer Affairs Division within five (5) business days of receipt. Rimert shall include in such report: 1) a copy of the complaint, if written, or a brief, accurate description of the complaint, if oral; 2) a detailed explanation of the circumstances surrounding the complaint; and 3) any measures taken or planned to address the conduct described in the complaint.

2. Jon Curtis Rimert shall maintain full compliance with all court orders and other requirements related to his felony conviction in *State v. Jon Curtis Rimert*, St. Charles Co. Cir. Ct., Case No. 1511-CR00502-01.
3. Jon Curtis Rimert shall sign and submit a Statement of Compliance, attached hereto as Exhibit A, to the Director within thirty (30) days of his completion of probation. Should Rimert fail to complete probation, Rimert shall notify the Consumer Affairs Division within five (5) business days of the dismissal from, or revocation of, probation and notify the Consumer Affairs Division of the consequences of such failure, dismissal, or revocation.
4. Jon Curtis Rimert shall execute and submit any necessary documents to provide the Department access to Rimert's probation and court records, including access to any chemical test results.
5. Jon Curtis Rimert shall report to the Consumer Affairs Division any and all of the following incidents involving Rimert: extension of probation, any change in the terms of probation, probation revocation, first appearance in court for any criminal charge, guilty plea, Alford plea, finding of guilt, or conviction

concerning a felony or misdemeanor. Rimert shall report all such incidents to the Division within five (5) business days of their occurrence.

6. Jon Curtis Rimert shall report to the Consumer Affairs Division any administrative action taken against Rimert in another jurisdiction or by another governmental agency in this state within five (5) business days after he receives notification of the initiation of such administrative action.
7. Jon Curtis Rimert shall report to the Division any violation of or failure to comply with Missouri insurance regulations and Missouri insurance laws, including those set forth in Chapters 374, 375, or 385, within five (5) business days of such violation or failure to comply.
8. The special conditions listed in paragraphs 1 through 7 immediately above will expire upon the earlier of: 1) the expiration of Jon Curtis Rimert's motor vehicle extended service contract producer license; 2) the refusal or revocation of such license; or 3) five (5) years subsequent to the date of issuance of this Consent Order.

IT IS ORDERED that for five (5) years subsequent to the date of issuance of this executed Consent Order, Jon Curtis Rimert will voluntarily surrender his license to the Department within thirty (30) days of revocation of the probation associated with *State v. Jon Curtis Rimert*, St. Charles Co. Cir. Ct., Case No. 1511-CR00502-01.

IT IS ORDERED that for five (5) years subsequent to the date of issuance of this Consent Order, Jon Curtis Rimert will voluntarily surrender his license to the Department within five (5) business days of Rimert's guilty plea, nolo contendere plea, finding of

guilt or conviction for a felony, regardless of whether sentence is imposed, suspended, or executed.

IT IS ORDERED that if Rimert maintains his motor vehicle extended service contract producer license beyond its initial term and complies with the terms of this Consent Order, then Rimert may apply to renew his motor vehicle extended service contract producer license, and the Director shall consider any renewal application in accordance with Chapters 374, 375, and 385 without regard to Rimert's felony conviction or the underlying conduct in *State v. Jon Curtis Rimert*, St. Charles Co. Cir. Ct., Case No. 1511-CR00502-01.

IT IS ORDERED that the Director may pursue additional legal remedies, as determined appropriate by the Director, without limitation as authorized by Chapters 374, 375, and 385, including remedies for violation of or failure to comply with the terms of this Consent Order.

SO ORDERED, SIGNED, AND OFFICIAL SEAL AFFIXED THIS 28th
DAY OF DECEMBER, 2016.



JOHN M. HUFF, Director
Missouri Department of Insurance, Financial
Institutions and Professional Registration

CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that Jon Curtis Rimert may have a right to a hearing but that Jon Curtis Rimert waives the hearing and consents to the issuance of this Consent Order.



Jon Curtis Rimert
19 Briarmist Court
O'Fallon, Missouri 63366
Applicant

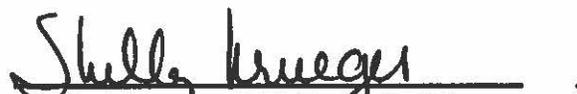
12-11-2016

Date

Counsel for Applicant
Name: _____
Missouri Bar No.: _____
Address: _____

Telephone: _____
Facsimile: _____
Email: _____

Date



Shelly Krueger, MO Bar #67752
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Institutions and Professional Registration
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12-21-2016

Date

(573) 751-2619
(573) 526-5492

Missouri Department of Insurance, Financial
Institutions and Professional Registration
Attn: Legal Section
301 West High Street, Room 530
Jefferson City, Missouri 65101

RE: Statement of Compliance
State v. Jon Curtis Rimert, St. Charles Co. Cir. Ct., Case No. 1511-CR00502-01

I, Jon Curtis Rimert, hereby truthfully state under penalty of perjury that I successfully completed the probation associated with *State v. Jon Curtis Rimert*, St. Charles Co. Cir. Ct., Case No. 1511-CR00502-01 on _____, 20____.

Signed: _____
Jon Curtis Rimert

Date

In witness whereof I have underto subscribed my name and affixed my official seal this _____
day of _____, 20____.

Notary

My commission expires: _____